

Senate File 349 - Introduced

SENATE FILE _____
BY McCOY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning restrictions on the resale and use of motor
2 vehicle operating records furnished by the department of
3 transportation and requiring the department to provide certain
4 data in bulk form to certain persons, and making a penalty
5 applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1731SS 83
8 dea/nh/8

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1 1 Section 1. Section 321A.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 0A. "Certified abstract of the operating
1 4 record" means the document that identifies, for an individual
1 5 licensee, personal information subject to the provisions of
1 6 the federal Driver's Privacy Protection Act, 18 U.S.C. }
1 7 2721=2725, moving violations, nonmoving violations, operating
1 8 while intoxicated violations, license suspensions and
1 9 revocations, all reportable accidents, child restraint law and
1 10 seat belt law convictions, and reinstatement information for
1 11 habitual offender revocations.
1 12 NEW SUBSECTION. 0B. "Conviction data" includes all
1 13 information relating to violations by and convictions of
1 14 licensees under the laws of this state or any other state or
1 15 foreign jurisdiction that is received by the department and to
1 16 which the department has access.
1 17 NEW SUBSECTION. 8A. "Operator data" includes, for each
1 18 licensee in the state, basic information including but not
1 19 limited to driver's license number, name, address, date of
1 20 birth, license status, license class, endorsements, and
1 21 restrictions.
1 22 NEW SUBSECTION. 15. "Suspension data" includes all
1 23 information relating to license suspensions, revocations, and
1 24 reinstatements received by licensees under the laws of this
1 25 state or any other state or foreign jurisdiction that is
1 26 received by the department and to which the department has
1 27 access.
1 28 Sec. 2. Section 321A.3, subsection 8, Code 2009, is
1 29 amended to read as follows:
1 30 8. ~~A person making a request for a record or an abstract~~
~~1 31 under this section that is subject to a fee shall only use the~~
~~1 32 record or abstract requested one time, for one purpose, and it~~
~~1 33 shall not supply that record to more than one other person.~~
~~1 34 Any subsequent use of the same record or abstract shall~~
~~1 35 require that the person make a subsequent request for the~~
~~2 1 record or abstract and pay an additional fee for the request~~
~~2 2 in the same manner as provided for the initial request. A~~
~~2 3 person who purchases a certified abstract of the operating~~
~~2 4 record of a person under subsection 1 shall not resell the~~
~~2 5 certified abstract of the operating record to more than one~~
~~2 6 person. For purposes of this subsection, affiliated persons~~
~~2 7 are considered one person. Any retention, distribution,~~
~~2 8 transfer, or reuse of a certified abstract of the operating~~
~~2 9 record purchased pursuant to subsection 1 shall be consistent~~
~~2 10 with the federal Driver's Privacy Protection Act, 18 U.S.C. }~~
~~2 11 2721=2725. A person requesting a record or an abstract who~~
~~2 12 purchases a certified abstract of the operating record of a~~
~~2 13 person pursuant to this section subsection 1 and then resells~~
~~2 14 that record shall keep records identifying who the record or~~
~~2 15 abstract is provided to, and the use of the record or~~

2 16 abstract, the person to whom and the permitted purpose for
2 17 which the certified abstract of the operating record was sold
2 18 for a period of five years. Records maintained pursuant to
2 19 this subsection shall be made available to the department upon
2 20 request. ~~A person shall not sell, retain, distribute,~~
2 21 ~~provide, or transfer any record or abstract information or~~
2 22 ~~portion of the record or abstract information acquired under~~
2 23 ~~this agreement except as authorized by the department and the~~
2 24 ~~federal Driver's Privacy Protection Act, 18 U.S.C. }~~
2 25 ~~2721--2725.~~

2 26 Sec. 3. NEW SECTION. 321A.3A OPERATOR, CONVICTION, AND
2 27 SUSPENSION DATA AVAILABLE IN BULK FORM.
2 28 The department shall make conviction data, operator data,
2 29 and suspension data available in bulk form to any person whose
2 30 use of the data is a permissible use in accordance with 18
2 31 U.S.C. } 2721(b)(1=14).

2 32 EXPLANATION

2 33 This bill addresses restrictions on the use of the
2 34 certified abstract of the operating record of an individual.
2 35 The bill defines "certified abstract of the operating record",
3 1 which is the document that identifies, for an individual
3 2 licensee, certain personal information, including records of
3 3 motor vehicle violations, convictions, and sanctions, that may
3 4 only be disclosed for permissible uses pursuant to the federal
3 5 Driver's Privacy Protection Act. Pursuant to current law, a
3 6 person other than a public agency that requests a certified
3 7 abstract of the operating record from the department of
3 8 transportation must pay a fee of \$5.50 for each abstract. The
3 9 person may use the record one time, for one purpose, and may
3 10 not supply the record to more than one other person. The bill
3 11 provides that a person who purchases the certified abstract of
3 12 the operating record shall not resell the abstract to more
3 13 than one person, and the bill specifies that affiliated
3 14 persons are considered one person. The bill states that the
3 15 retention, distribution, transfer, or reuse of a certified
3 16 abstract of the operating record purchased from the department
3 17 shall be consistent with the federal Driver's Privacy
3 18 Protection Act. Finally, the bill requires a person who
3 19 purchases and then resells a certified abstract of the
3 20 operating record to maintain records for five years
3 21 identifying the person to whom the abstract was sold and the
3 22 permitted purpose for which it was sold. Pursuant to current
3 23 Code section 321A.32(4), a person who violates any of these
3 24 provisions is guilty of a serious misdemeanor. A serious
3 25 misdemeanor is punishable by confinement for no more than one
3 26 year and a fine of at least \$315 but not more than \$1,875.

3 27 The bill defines three categories of data to be maintained
3 28 by the department of transportation: "conviction data",
3 29 including all violations and convictions for licensees under
3 30 the laws of this state or another jurisdiction; "operator
3 31 data", including driver's license information for each
3 32 licensee in this state; and "suspension data", including
3 33 license suspensions, revocations, and reinstatements received
3 34 by licensees under the laws of this state or any other
3 35 jurisdiction. The bill requires the department to make the
4 1 data available in bulk form to any person whose use of the
4 2 data is a permissible use under the federal Driver's Privacy
4 3 Protection Act.

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